

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re:	§	Chapter 11
	§	
Tuesday Morning Corporation, <i>et al.</i> , ¹	§	Case No. 23-90001
	§	
Debtors.	§	Joint Administration Requested

NOTICE OF APPEARANCE AND REQUEST FOR NOTICES

PLEASE TAKE NOTICE that the undersigned counsel give notice of their appearance on behalf of Invictus Global Management, LLC as investment manager for its fund (the “**Proposed DIP Lender**”). Under, *inter alia*, Bankruptcy Rules 2002 and 9007 and Section 1109(b) of the Bankruptcy Code, 11 U.S.C. § 1109(b), the Proposed DIP Lender requests that all notices given or required to be given in this case, and all papers served or required to be served in this case, be given to and served upon:

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PLEASE TAKE FURTHER NOTICE that under Section 1109(b) of the Bankruptcy Code, this request includes not only the notices and papers referred to in the Bankruptcy Rules specified above, but also includes, without limitation, any order, notice, application, motion, petition, pleading, request, complaint, or demand, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail, courier service, hand-delivery, telephone, facsimile transmission, telegraph, telex, or otherwise that: (1) affects or seeks to affect in any way any rights or interests of any creditor or party in interest in this case, including the Proposed DIP Lender, with respect to, *inter alia*, the following: (a) the debtor; or (b) property of the estate,

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, include: Tuesday Morning Corporation (8532) (“**TM Corp.**”); TMI Holdings, Inc. (6658) (“**TMI Holdings**”); Tuesday Morning, Inc. (2994) (“**TMI**”); Friday Morning, LLC (3440) (“**FM LLC**”); Days of the Week, Inc. (4231) (“**DOTW**”); Nights of the Week, Inc. (7141) (“**NOTW**”); and Tuesday Morning Partners, Ltd. (4232) (“**TMP**”). The location of the Debtors’ service address is 6250 LBJ Freeway, Dallas, Texas 75240.

or proceeds thereof, in which the debtor may claim an interest; or (c) property or proceeds thereof in the possession, custody, or control of others that the debtor may seek to use or claim; or (2) requires or seeks to require any act, delivery of any property, payment or other conduct by the Proposed DIP Lender.

PLEASE TAKE FURTHER NOTICE that the Proposed DIP Lender intends that neither this Notice of Appearance nor any later appearance, pleading, claim, or suit shall waive: (1) Proposed DIP Lender's right to have final orders in noncore matters entered only after de novo review by a District Judge; (2) Proposed DIP Lender's right to trial by jury in any proceeding so triable in this case; (3) Proposed DIP Lender's right to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal; or (4) any other rights, claims, actions, defenses, setoffs, or recoupments to which Proposed DIP Lender is or may be entitled under agreements, in law, in equity, or otherwise, all of which rights, claims, actions, defenses, setoffs, and recoupments Proposed DIP Lender expressly reserves.

Dated: February 14, 2023
Dallas, Tx

Respectfully submitted,

POLSINELLI PC

/s/ Liz Boydston

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*Counsel to Invictus Global Management, LLC as
investment manager for its fund*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 14, 2023 a true and correct copy of the foregoing was served upon all persons registered to receive service, including counsel of record, via the Court's ECF/CMF electronic service system.

/s/ Liz Boydston

Liz Boydston